IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 21213 of 2004

Between:

P. Viswanatha Reddy, S/o P. Swamy Reddy,
Gargepuram - 1, R/o Gargepuram, Kurnool Mandal, Kurnool District.

..... PETITIONER

AND

1 The Commissioner, Panchayat Raj, Urdu Hall Lane,
Himayathnagar, Hyderabad.
2 The District Collector, Kurnool District.
3 The Chief Executive Officer, Zilla Parishad, Kurnool District.
4 Sri M. Jayarami Reddy, Kurnool and presently working as Asst. Project
Officer, O/o Project Director, Velugu Project, Kurnool.
5 The Mandal Parishad Development Officer, Kurnool Mandal, Kurnool District.
6 The President, Kurnool Mandal Parishad, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declare the action of the Respondent No.2 in not taking action on the representation made by the petitioner on 27-9-2004 against the Respondent No.4, 5 and 6 as illegal, arbitrary and against the provisions of APPR Act, 1994 and consequently direct the Respondents to take appropriate action after conducting detailed enquiry forthwith which is pending and dispose off the representation dt. 27-9-2004

Counsel for the Petitioner: MR.U.RAMANJANEYULU

Counsel for the Respondents 1&2: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondents 3,5 &6:SMT. JYOTHI ESWAR

The Court, at the stage of admission, made the following :

ORDER

Heard the learned counsel for the petitioner and learned Government Pleader for Panchayat Raj and Rural Development. Both the counsel requested for disposal of the writ petition at the state of admission.

Petitioner, who is a Member of Mandal Parishad of Kurnool, along with other Members, submitted a representation to the second and third respondents on 27.9.2004 pointing out certain large scale irregularities committed by the respondents 4, 5 and 6 in execution of the works, which were resolved by the Mandal Parishad, Kurnool Mandal and District. Since the said representation has not been considered nor any enquiry is conducted, the petitioner moved this Court by way of filing the writ petition.

Having regard to the fact that once certain irregularities are pointed out, the District Collector as well as the Chief Executive Officer of the Zilla Parishad, Kurnool are under obligation to enquire into those irregularities, if any. In view of the same, the second and third respondents are directed to enquire into the allegations made in the representation of the petitioner dated 27.9.2004 and pass appropriate orders after due notice and opportunity to the parties, who are likely to be effected, within a period of three (3) months from the date of receipt of a copy of this order, and communicate a copy of the same to the petitioner. However, this order cannot be understood that this Court has accepted that the respondents 4 to 6 have committed irregularities as alleged by the petitioner, but it is for the respondents 2 and 3 to ascertain the same during the course of enquiry.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

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A. GOPAL REDDY. J.

19th November, 2004

tsr.

To

1 The Commissioner, Panchayat Raj, Urdu Hall Lane,
Himayathnagar, Hyderabad.
2 The District Collector, Kurnool District.
3 The Chief Executive Officer, Zilla Parishad, Kurnool District.
4 The Mandal Parishad Development Officer, Kurnool Mandal, Kurnool District.
5 The President, Kurnool Mandal Parishad, Kurnool District.

6. Two C.C.s to Government Pleader for Panchayat Raj & Rural Development,
High Court Buildings, Hyderabad.(OUT)

7 Two C.D. copies.